

REMARKS

Claim 1-35 are pending. The Office Action, dated May 22, 2007, has been carefully considered. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1-12, 16-19, 21, 23, 24, 27, 29, 30-32, 34 and 35 have been amended. Reconsideration and allowance are respectfully requested in light of the above amendments and following remarks.

Record of Interview Under M.P.E.P § 713.04

Applicants wish to thank the Examiner for the courtesy of the telephonic interview on April 17, 2007 and submit the following record in accordance with M.P.E.P. § 713.04. The following persons participated in the interview: Examiner Robert Morgan and Applicants' attorney, Kelce Wilson (Reg. No. 50,289).

During the interview, the Examiner noted a typographical error in the previously-submitted Request for Continued Examination (RCE), dated April 9, 2007. Specifically, the April 9, 2007 RCE referenced an amendment filed on March 11, 2003 using a date of March 3, 2007. The Examiner indicated that the March 11, 2003 amendment had been entered.

Amendments to the Claims

Claims 1-12, 16-19, 21, 23, 24, 27, 29, 30-32, 34 and 35 have been amended to more clearly present the invention and to correct typographical errors. Support for these amendments can be found in the originally-filed application, for example, in paragraphs [0036], [0038] and [0090]-[0095]. No new matter has been entered.

Rejections Under 35 U.S.C. § 112

Claims 1 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, page 2 of the Office Action states that it “is unclear how the encapsulation data is used to determine whether the medical record data file has been altered by the record client or modified at the remote location.”

Claim 1 has been amended to recite “a record encapsulation system configured to encapsulate a medical record data file, wherein encapsulation enables detection of modification to the medical record data file” Claim 10 has been amended to delete the limitation of using the encapsulation data to determine whether the medical record data has been modified. Applicants respectfully assert that Claims 1 and 10 do point out and distinctly claim the inventive subject matter, and therefore request withdrawal of the 35 U.S.C. § 112 rejections of Claims 1 and 10.

Rejections Under 35 U.S.C. § 102

Claims 24 and 27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,924,074 to Evans (“Evans”). Applicants respectfully traverse these rejections.

It is well settled that to anticipate a claim, a reference must teach every element of the claim. M.P.E.P. § 2131. Moreover, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the claim” and “[t]he elements must be arranged as required by the claim.” M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) and *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Applicants respectfully assert that the rejections do not satisfy these requirements.

Independent Claim 24

Independent Claim 24 recites “creating the patient file with the predetermined patient data structure on the remote system” The cited passage of Evans does not disclose at least this limitation of Claim 24. Page 20 of the Office Action cites Figure 13 and column 8, lines 29-31 of Evans. However, the cited passage of Evans does not disclose creating a patient file with a predetermined patient data structure on a remote system. Therefore, Applicants assert that Evans does not teach every element of Claim 24. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 102(b) rejection of Claim 24.

Independent Claim 27

Independent Claim 27 now recites “receiving encapsulated comment data associated with the excerpt” The cited passage of Evans does not disclose at least this limitation of Claim 27. Page 20 of the Office Action cites Figure 4, column 3, lines 36-42, and column 4, line 64 to column 5, line 8 of Evans. However, the cited passage of Evans does not disclose receiving encapsulated comment data associated with an excerpt. Therefore, Applicants assert that Evans does not teach every element of Claim 27. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 102(b) rejection of Claim 27.

Rejections Under 35 U.S.C. § 103

Claims 1-15, 23, 28-31 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of U.S. Patent No. 7,039,810 to Nichols et al. (“Nichols”). Claims 16, 17, 19 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of U.S. Patent No. 6,305,377 to Portwood et al. (“Portwood”). Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Portwood and in further view of

Nichols. Claims 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Portwood in view of Evans. Claims 25, 26 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans. Claim 34 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Portwood and in further view of U.S. Patent No. 6,370,841 to Chudy et al. ("Chudy"). Applicants respectfully traverse these rejections.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103, the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143. Applicants respectfully assert that the rejections do not satisfy these criteria.

Rejections Over Evans

Dependent Claims 25 and 26

Claims 25 and 26 depend from base Claim 24 and thus inherit all the limitations of Claim 24. As shown above, Evans does not teach every limitation of Claim 24 and therefore, Claim 24 is patentable over Evans. Applicants assert that Claims 25 and 26 are patentable for, at least, their dependence from Claim 24. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejections of Claims 25 and 26.

Dependent Claim 32

Claim 32 depends from base Claim 1 and thus inherits all the limitations of Claim 1. Page 3 of the Office Action admits that Evans does not teach all the limitations of Claim 1, and therefore Claim 1 is not rejected over Evans alone. The Office Action attempts to address the deficiencies of Evans with respect to the rejection of Claim 1 by introducing Nichols. However, Nichols is not relied upon for the rejection of Claim 32. Therefore, Applicants assert that the 35 U.S.C. § 103(a) rejection of Claim 32 is improper and request withdrawal of the rejection.

Rejections Over Evans and Nichols

Independent Claim 1

Independent Claim 1 now recites “a record encapsulation system configured to encapsulate a medical record data file, wherein encapsulation enables detection of modification to the medical record data file and a record server configured to encrypt the encapsulated medical record data file” Evans is not relied upon for this aspect of Claim 1, and the cited passages of Nichols do not teach, suggest or disclose at least this aspect of Claim 1. Page 4 of the Office Action cites Figure 5 along with columns 2 and 15 Nichols in the rejection of Claim 1.

However, Applicants respectfully submit that the cited passages of Nichols do not teach, suggest or disclose a record encapsulation system and a record server configured to encrypt the encapsulated medical record data file, as required by Claim 1. Instead, Nichols teaches only encryption without encapsulation. Nichols, col. 2, lines 54-67 and col. 15, lines 47-49. Therefore, Applicants assert that the proffered combination of Evans and Nichols does not teach, suggest or disclose all the limitations of Claim 1. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 1.

Independent Claim 10

Independent Claim 10 now recites “encapsulating medical record data” Evans is not relied upon for this aspect of Claim 10, and the cited passages of Nichols do not teach, suggest or disclose at least this aspect of Claim 10. Page 7 of the Office Action cites Figure 5 along with columns 2 and 15 of Nichols in the rejection of Claim 1. However, the cited passages of Nichols do not teach, suggest or disclose encapsulating medical record data, as required by Claim 10. As shown above for Claim 1, the cited portion of Nichols teaches merely encryption. Therefore, Applicants assert that the proffered combination of Evans and Nichols does not teach, suggest or

disclose all the limitations of Claim 10. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 10.

Independent Claim 23

Independent Claim 23 recites “a record server having an encapsulated medical record data file” Evans is not relied upon for this aspect of Claim 23, and the cited passages of Nichols do not teach, suggest or disclose at least this aspect of Claim 23. Page 15 of the Office Action cites Figure 5 along with columns 2 and 15 Nichols in the rejection of Claim 23. However, the cited passages of Nichols do not teach, suggest or disclose a record server having an encapsulated medical record data file, as required by Claim 23. As established above for Claim 1, the cited portion of Nichols teaches merely encryption. Therefore, Applicants assert that the proffered combination of Evans and Nichols does not teach, suggest or disclose all the limitations of Claim 23. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 23.

Independent Claim 29

Independent Claim 29 now recites “encapsulating an electronic medical record file to allow viewing and to prevent modification of the medical record file” Evans is not relied upon for this aspect of Claim 29, and the cited passages of Nichols do not teach, suggest or disclose at least this aspect of Claim 29. Page 15 of the Office Action cites Figure 5 along with columns 2 and 15 Nichols in the rejection of Claim 29. However, the cited passages of Nichols do not teach, suggest or disclose encapsulating an electronic medical record file to allow viewing and to prevent modification of the medical record file, as required by Claim 29. As established above for Claim 1, the cited portion of Nichols teaches merely encryption. Therefore, Applicants assert that the proffered combination of Evans and Nichols does not teach, suggest or disclose all the limitations of

Claim 29. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 29.

Dependent Claims 2-9, 11-15, 30, 31 and 33

Claims 2-9, 11-15, 30, 31 and 33 depend from a respective one of independent Claims 1, 10 and 29 and thus inherit all the limitations of their respective independent claim. As shown above, the proffered combination of Evans and Nichols does not teach, suggest or disclose all the limitations of Claims 1, 10 or 29. Therefore, the proffered combination of Evans and Nichols does not teach, suggest or disclose all the limitations of Claims 2-9, 11-15, 30, 31 and 33. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejections of Claims 2-9, 11-15, 30, 31 and 33.

Dependent Claim 28

Claim 28 depends from independent Claim 27 and thus inherits all the limitations of Claim 27. As shown above, Evans does not teach every limitation of Claim 27 and therefore, Claim 27 is patentable over Evans. Applicants assert that Claim 28 is patentable for, at least, its dependence from Claim 27. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 28.

Rejections Over Evans and Portwood

Independent Claim 16

Independent Claim 16 now recites “a record server configured to transmit medical supply package data to a record client and to correlate the package data with verification data received from the record client.” The cited passages of Evans and Portwood do not teach or suggest at least this aspect of Claim 16. Pages 9 and 10 of the Office Action cite column 14, lines 8-16 of Evans and the abstract, column 3, lines 43-49 and column 7, lines 35-37 of Portwood. However, the cited

passages do not teach, suggest or disclose a record server configured to transmit medical supply package data to a record client and to correlate the package data with verification data received from the record client, as required by Claim 16.

The cited portion of Evans discloses merely a database connection among computers. The cited portions of Portwood disclose that “prescription information for the patient” is “transferred to the server,” rather than package data, as required by the Claim. See Portwood, col. 7, lines 35-37 in light of col. 7, lines 16-17. Therefore, Applicants assert that the proffered combination of Evans and Portwood does not teach, suggest or disclose all the limitations of Claim 16. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 16.

Dependent Claims 17, 19 and 35

Claims 17, 19 and 35 depend from base Claim 16 and thus inherit all the limitations of Claim 16. As shown above, the proffered combination of Evans and Portwood does teach, suggest or disclose all the limitations of Claim 16. Therefore, the proffered combination of Evans and Portwood does not teach, suggest or disclose all the limitations of Claims 17, 19 and 35. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejections of Claims 17, 19 and 35.

Rejection Over Evans, Portwood and Nichols

Dependent Claim 18

Claim 18 depends from base Claim 16 and thus inherits all the limitations of Claim 16. As shown above, the proffered combination of Evans and Portwood does not teach, suggest or disclose all the limitations of Claim 16. Nichols is not relied upon to cure the deficiencies of Evans and Portwood. Therefore, the proffered combination of Evans, Portwood and Nichols does not teach,

suggest or disclose all the limitations of Claim 18. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 18.

Rejections Over Portwood and Evans

Independent Claim 20

Independent Claim 20 recites “storing package data corresponding to a sealed package; transmitting the sealed package to a remote site; receiving the package data from the remote site; and authorizing release of the package if the stored package data matches the received package data.” Applicants respectfully assert that the cited passages of Portwood and Evans do not teach, suggest or disclose all these limitations of Claim 20.

Page 13 of the Office Action cites column 2, lines 45-47 and column 10, lines 18-23 of Evans as allegedly teaching a system for instant access to a patient’s electronic medical record. The cited passages of Evans teach accessing a particular patient’s comprehensive medical record, whereas Claim 20 requires receiving package data, corresponding to a sealed package, from the remote site. Evans, col. 2, lines 38-38. Therefore, the proffered combination of Portwood and Evans does not teach, suggest or disclose all the limitations of Claim 20. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 20.

Dependent Claims 21 and 22

Claims 21 and 22 depend from base Claim 20 and thus inherit all the limitations of Claim 20. As shown above, the proffered combination of Portwood and Evans does not teach, suggest or disclose all the limitations of Claim 20. Therefore, the proffered combination of Portwood and Evans does not teach, suggest or disclose all the limitations of Claims 21 and 22. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejections of Claims 21 and 22.

Rejection Over Evans, Portwood and Chudy

Dependent Claim 34

Claim 34 depends from base Claim 16 and thus inherits all the limitations of Claim 16. As shown above, the proffered combination of Evans and Portwood does not teach, suggest or disclose all the limitations of Claim 16. Chudy is not relied upon to cure the deficiencies of Evans and Portwood. Therefore, the proffered combination of Evans, Portwood and Chudy does not teach, suggest or disclose all the limitations of Claim 34. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 34.

Conclusion

Applicants have made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 1-35. Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Applicants do not believe that any fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

Respectfully submitted,

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